



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of : Croze et al.

Serial No.: 09/912,252

Group Art Unit: 1636

Filed: July 25, 2001

Examiner: Q. Nguyen

For: USE OF THE INTERFERON RECEPTOR 2c POLYPEPTIDE CHAIN TO ENHANCE THE ANTI-GROWTH EFFECTS OF TYPE I INTERFERONS

INFORMATION DISCLOSURE STATEMENT UNDER 37 CFR §§ 1.56, 1.97 and 1.98

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

This information disclosure statement is made in accordance with 37 C.F.R. §§ 1.56, 1.97 and 1.98 as follows:

Timing and Fees

- ☐ Under 37 C.F.R. § 1.97(b), no fee or statement is required for filing this information disclosure statement is filed:
- ☐ within three months of the filing date of a national application other than a CPA under § 1.53(d);
 - ☐ within three months of the actual filing date of the national phase of a PCT application; OR
 - ☐ before the mailing of a first substantive office action (including after filing of an RCE).
- ☒ Under 37 C.F.R. § 1.97(c), this information disclosure statement is filed after the periods specified in 37 C.F.R. § 1.97(b), but before the mailing date of:
- ☒ a final rejection under 37 C.F.R. 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 - ☐ a notice of allowance under 37 C.F.R. § 1.311; and

is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) set out below; OR
 - ☒ a check covering the fee of \$180.00 under 37 C.F.R. § 1.17(p).
- ☐ Under 37 C.F.R. § 1.97(d), this information disclosure statement is filed after the mailing date of the following actions which have not been withdrawn:
- ☐ a final action under 37 C.F.R. § 1.113;
 - ☐ termination of prosecution, e.g. Ex Parte Quayle, M.P.E.P § 609(B)(2); OR
 - ☐ a notice of allowance under 37 C.F.R. § 1.311;

AND is filed on or before payment of the issue fee; AND is accompanied by:

- ☐ the statement as specified in 37 C.F.R. § 1.97(e) as set forth below, and the fee of \$180.00 under 37 C.F.R. § 1.17(p).

Statements Under 37 C.F.R. 1.97(e)

- ☐ Each item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application having a mailing date not more than three months prior to the filing date of this information disclosure statement; or
- ☐ No item of information contained in this information disclosure statement was cited in a communication from a foreign patent office in a counterpart foreign application, and to the knowledge of the undersigned attorney after making reasonable inquiry, no item of information contained in this information disclosure statement was known to any individual designated in 37 C.F.R. § 1.56(c) more than three months prior to the filing date of the information disclosure statement.

Cited Materials

- ☐ Copies of materials listed but not attached were cited in benefit (35 U.S.C. § 120) ancestor application Serial No. _____, on Form 892 by the Examiner and/or Form 1449 by the applicant; see 37 C.F.R. § 1.98(d).
- ☐ Copies of materials listed but not attached were cited in an international search report dated _____.
- ☒ Copies of the materials listed are attached (except for the foregoing).

Non-English Language References

☐ An English-language search report or equivalent paper from a foreign patent office is provided indicating the relevance of the cited reference(s).

☐ A foreign-language search report from a foreign patent office is provided, and pertinent parts are translated substantively below:

X = document of particular relevance when it is taken alone

Y = document of particular relevance when it is combined with another such document

A = document defining the general state of the art

O = non-written disclosure

P = intercalated document

T = document cited to understand the theory or principle underlying the invention

E = patent document which has the benefit of a date earlier than the filing date and which was published only on or after this filing date

D = cited in the application

L = cited for another reason

& = publication of member of same patent family

☐ Translation of other relevant information on foreign search report

[insert necessary translation here]

Other Information

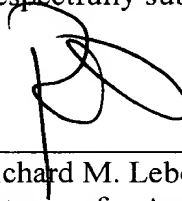
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☒ A check for \$180.00 covering the fee identified above is attached.

☐ Please charge to Deposit Account No. 13-3402 \$_____ for the fee identified above.

☒ The Commissioner is hereby authorized to charge or credit any overpayment to Deposit Account #13-3402, two copies of this paper are attached for this purpose.

Respectfully submitted,



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Attorney Docket No.: BERLX-0079

Date: June 14, 2004

RML:jmj

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet	1	of	2
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Complete if Known

Application Number	09/912,252
Filing Date	July 25, 2001
First Named Inventor	Croze et al.
Group Art Unit	1636
Examiner Name	Q. Nguyen
Attorney Docket Number	BERLX-0079

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

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Examiner Signature		Date Considered	
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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INFORMATION DISCLOSURE STATEMENT BY APPLICANT

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Sheet 2 of 2

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Attorney Docket Number	BERLX-0079

NON-PATENT LITERATURE DOCUMENTS

Examiner Initials *	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
		Fish et al., Biochemical and Biophysical Research Communications, Vol. 112, No. 2, April 29, 1983, "Human Leukocyte Interferon Subtypes Have Different Antiproliferative And Antiviral Activities on Human Cells"	
		Luis M. De La Maza, Infection and Immunity, March 1985, Vol. 47, No. 3, pp. 719-722, "Interferon-Induced Inhibition of Chlamydia trachomatis: Dissociation from Antiviral and Antiproliferative Effects"	
		Aye-Aye Khine, J. Of Cellular Physiology (2000) Vol. 182, pp. 97-108, "Functional Significance of Globotriaosyl Ceramide in Interferon α_2 /Type 1 Interferon Receptor-Mediated Antiviral Activity"	
		Hiroomi Tada et al., The Journal of Clinical Investigation, July 2001 Vol. 108, No. 1, pp. 83-95, "Systemic IFN- β gene therapy results in long-term survival in mice with established colorectal liver metastases"	
		Guangwen Cao et al., Cancer Gene Therapy, Vol. 8 No. 7 (2001), pp. 497-505, "Adenovirus-mediated interferon- β gene therapy suppresses growth and metastasis of human prostate cancer in nude mice"	
		Mandell R. et al., American Association for Cancer Research, Vol. 38, March 1, 1997 p. 381 XP002074718, "Gene Therapy of Cancer by Retroviral Transfer and Expression of the rat sodium iodine symporter (NIS)"	
		Kim, S.H. et al., An International Journal On Genes And Genomes, September 1, 1997, Vol. 196, No. 1-2 pp. 279-286 XP004126355, "Mammalian type I interferon receptors consists of two subunits"	
		Russell-Harde Dean et al., Journal of Biological Chemistry, (1995) Vol. 270, No. 44, pp. 26033-26036 XP002184662 "Reconstitution of a high affinity binding site for type I interferons"	
		Pfeffer Lawrence M. et al., (1997), Vol. 272, No. 17, pp. 11002-1105, XP002184663, "The short form of the interferon alpha/beta receptor chain 2 acts as a dominant negative for type I interferon action"	

Examiner
Signature

Date
Considered

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